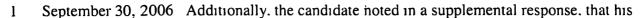
1	BEFORE THE FEDERAL ELECTION COMMISSION	ENSITIVE	
2	In the Matter of	_	
4 5 6 7	• • • • • • • • • • • • • • • • • • • •) CASE CLOSURE UNDER THE NGRESS) ENFORCEMENT PRIORITY SYSTEM	
8 9 10)))		
പ്പ 2	GENERAL COUNSEL'S REPORT		
7 73	Under the Enforcement Priority System, matters that are low-rated		
714 714			
C 15	are forwarded to the Commission with a recommendation for dismissal \Im The		
^l 16	Commission has determined that pursuing low-rated matters compared to other higher rated		
17	matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to		
18	dismiss these cases		
19	The Office of General Counsel scored MUR 5839 as a low-rated matter. In this case.		
20	the complainant George Burke, on behalf of Friends of Carolyn McCarthy, alleges that		
21	Blessinger for Congress ("the Committee") failed to report initial campaign expenses		
22	exceeding the \$5.000 threshold as required under C F R § 100.3(a)(1-4) Specifically, as of		
23	August 31, 2006, the Committee failed to report over \$42,000 in campaign expenses and in-		
24	kind contributions, including over 200 light box advertisements, campaign bumper stickers.		
25	large billboard advertisements, and the construction and maintenance of a campaign website		
26	The Committee responded by claiming that it did not exceed the \$5.000 reporting		
27	hreshold until July 17, 2006 Thereafter, the Committee reported its July activity on its 2006		
28	October Quarterly Report, which covered the reporting period from July 1, 2006	ciober Quarterly Report, which covered the reporting period from July 1, 2006 through	

Case Closure Under EPS – MUR 3639 General Counsel's Report Page 2 of 3



- 2 committee paid the fair market value (<u>1 e</u>. a total of \$12,076) for the light box
- 3 advertisements, which were reported on the Committee's 2006 October and Post General
- 4 Reports

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Although it is possible that the Committee may have been obligated to file disclosure reports at an earlier point in the election cycle, it appears from the public record that the Committee accurately reflected its total financial activity at the first opportunity the expenses could be reported. Thus, in reviewing the start-up activity of the Committee and the ments of MUR 5839, in furtherance of the Commission's priorities and resources, relative to other matters pending on the Enforcement docket, the Office of General Counsel believes that the Commission should exercise its prosecutorial discretion and dismiss the matter. See Heckler

RECOMMENDATION

v Chaney, 470 U S 821 (1985)

The Office of General Counsel recommends that the Commission dismiss MUR 5839, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters. Closing the case as of this date will allow CELA and General Law and Advice the necessary time to prepare the closing letters and the case file for the public record.

20 21 22 23 24 25 Date

Gregory R Baker Special Counsel

Complaints Examination & Legal Administration

Thomasenia P Duncan

Acting General Counsel

BY

25 Date 26

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Attachments:

- (1) Narrative in MUR 5839
- (2) Supplemental Response from Candidate, dated February 22, 2007

Jeff S. Jordan

Supervisory Attorney

Complaints Examination

& Legal Administration

Respondents:

George Burke. on behalf of Friends of Carolyn McCarthy

Blessinger for Congress and George Sambus. as Treasurer

Allegations: The complainant alleges that Blessinger for Congress ("the Committee") failed to report initial campaign expenses exceeding the \$5.000 threshold as required under CFR § 100 3(a)(1-4) Specifically, the complainant suggests that as of August 31, 2006, the Committee failed to report over \$42.000 in campaign expenses and in-kind contributions, including 200 light box advertisements (i.e. advertisements found on the roof of taxi cabs), production of bumper stickers, production of a large billboard advertisement, and the construction and maintenance of a campaign website

Response: The Committee noted in its response that the candidate did not exceed the \$5.000 threshold until July 17. 2006 Thus. Mr Blessinger did not become a candidate until July 17. 2006 Accordingly, the Committee reported its July activity on its 2006 October Quarterly Report, which covered the reporting period from July 1, 2006 through September 30, 2006 Additionally, the candidate noted in a supplemental response, that his committee paid the fair market value (i.e. a total of \$12.076) for the light box advertisements, which were reported on his 2006 October and Post General Reports

Date complaint filed: October 10. 2006

Response filed: November 3. 2006 & February 22. 2007